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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,595

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CHEN3556/EM

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23364 7590 11/17/2004
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EXAMINER

ASTORINO, MICHAEL C

ART UNIT

PAPER NUMBER

3736

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,595	Applicant(s) CHEN, TSE MIN	
	Examiner Michael C Astorino	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 20, 90, and 95.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because page 5 references "sensor" 80 three times, "80" appears to be a satellite in the drawings and not a sensor. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the

remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Linburg
US Patent Number 6,385,593 B2.

Claim 1. A health monitor expansion module for connecting to a mobile wireless communication apparatus to provide a wireless health monitor platform, the health monitor expansion module capable of receiving physiological signal provided by at least one sensor module, the health monitor expansion module comprising:

a microprocessor (10, column 10, line 7);
an input signal processing unit connected to the microprocessor (via 10' and 10'') for receiving and processing the signal provided by the sensor module;

a data storage unit connected to the microprocessor for storing data (inherent via transmission of data); and

an interface processing unit for processing transmission signals between the mobile apparatus (inherent via 20);

wherein the health monitor expansion module is capable of receiving the physiological signal from the sensor module and send the physiological signal via the mobile apparatus (column 10, lines 1-25).

Claim 2. The health monitor expansion module as claimed in claim 1 further comprising an antenna and a wireless data transmitting unit to enable the health monitor expansion module to receive the wireless output signal from the sensor module. (figure 1)

Claim 5. A sensor module capable of connecting to a physiological sensor to send the physiological signal to the health monitor expansion module as claimed in claim 1, the sensor module comprising:

a microprocessor (10' or 10'');

an input signal processing unit connected to the microprocessor for receiving and processing the signal provided by the sensor (column 10, lines 8-15);

a data storage unit connected to the microprocessor for storing data (inherent via transmission of data); and

an antenna and a wireless data transmitting unit for sending the physiological signal to the health monitor expansion module. (42, 44, 46)

Claim 7. The sensor module as claimed in claim 5 further comprising a signal amplifier for amplifying the signal from the sensor. (column 11, lines 30-61)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linburg US Patent Number 6,385,593 B2 as applied to claim 1 and 5 above, and further in view of Haubrich et al. US Patent Number 6,482,154 B1.

Linburg does not specifically disclose a D-to-A converter or a signal amplifier, however Haubrich et al. a synonymous device from the same assignee discloses a digital-to-analog converter and amplifier (columns 5-6, lines 54-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute/incorporate the device of Linburg in view of converter and amplifier of Haubrich et al., since Haubrich et al. states the use of this uplink as beneficial for strip recording for a physicians review (columns 5-6, lines 54-9).

Claim 3. The health monitor expansion module as claimed in claim 1 further comprising a digital-to-analog converter to enable the health monitor expansion module to receive an analog output signal from the sensor module. (columns 5-6, lines 54-9).

Claim 4. The health monitor expansion module as claimed in claim 1 further comprising a signal amplifier for amplifying the signal from the sensor module. (columns 5-6, lines 54-9).

In regards to claims 6, Linburg fails to specifically disclose the sensor module having digital-to-analog converter, Lindburg states that devices 10, 10', 10'' are synonymous and each could uplink to one another and are described generically in columns 11 and 12. However, as stated above Haubrich et al. discloses a synonymous device from the same assignee, and also discloses the use of a digital-to-analog converter (columns 5-6, lines 54-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute/incorporate the device of Linburg in view of converter of Haubrich et al., since Linburg states requires the use of same uplink technique as a standard for the medical device(s)/system (columns 12, lines 1-15).

Claim 6. The sensor module as claimed in claim 5 further comprising a digital-to-analog converter to enable the health monitor expansion module to receive the analog output signal from the sensor. (Haubrich et al., columns 5-6, lines 54-9; and Linburg columns 12, lines 1-15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Astorino whose telephone number is 571-272-4723. The examiner can normally be reached on Monday-Friday, 8:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3736

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Michael Asforino', with a long horizontal flourish extending to the right.

Michael Asforino
November 15, 2004